

**Before the  
Federal Communications Commission  
Washington, DC 20554**

In the Matter of	§	
	§	
Rules and Regulations Implementing	§	CG Docket No. 02-386
Minimum Customer Account Record	§	
Exchange Obligations on All Local and	§	
Interexchange Carriers	§	

**Comments of the Public Utility Commission of Texas**

The Public Utility Commission of Texas (Texas PUC), having regulatory authority over public utilities within our jurisdiction in Texas, respectfully submits these comments in response to the *Notice of Proposed Rulemaking (NPRM)* issued by the Federal Communications Commission (FCC) in the above-captioned proceeding.

As discussed in the *NPRM*, the FCC is considering whether to impose mandatory minimum customer account record exchange (CARE) obligations on all local exchange carriers (LECs) and interexchange carriers (IXCs). Among the issues discussed in the *NPRM* by the FCC is whether the imposition of these minimum standards could eliminate consumer complaints as well as provide all LECs and IXCs with uniformity in the CARE process. In September 2002, the Texas PUC adopted amendments to a rule that addressed carrier responsibility during the change order process when a customer selects a different local service provider (LSP) or primary interexchange carrier (PIC).<sup>1</sup> The purpose of these amendments was to protect customers from billing errors arising from a PIC failing to discontinue billing for presubscribed services after a customer requested a change in the PIC, or from a PIC terminating the presubscribed service calling plan when the customer requested a change in LSP, but no change in PIC. Specifically, the amendments require, upon a change of PIC, the old PIC to discontinue billing and require the new PIC to initiate billing. In addition, the amendments clarify how an LSP exchanges information about the change of provider(s) with other LSPs and PICs.

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<sup>1</sup> *PUC Rulemaking Proceeding to Address Notification Issues Arising from Changes in Preferred Telecommunications Utilities*, Project No. 26131, Order Adopting An Amendment to §26.130, Relating to Selection of Telecommunications Utilities, as Approved at the September 12, 2002 Open Meeting. (Oct. 1, 2002). See Attachment A for a copy of the order and rule language.

Of particular relevance to the issues raised in this *NPRM* was the Texas PUC's decision not to require adoption of specific notification processes (such as CARE) or prohibit carriers from arranging with other carriers to provide notice on its behalf. The Texas PUC recognized that notification processes may currently occur pursuant to existing agreements between carriers, and therefore did not intend for the amendments to the rule to modify these agreements, or create additional requirements if such notice currently occurs. Rather, this notification process<sup>2</sup> is intended to clarify and provide a framework of a carrier's responsibility in the records exchange process. The goal is to protect customers from continued billing for services that the customer sought to cancel, an issue that gave rise to numerous and continued customer complaints. Essentially, the notification requirements mirror existing industry standards in an effort to minimize a carrier's need to change its processes, as well as to encourage carriers in Texas to use a single standard.

In closing, the Texas PUC appreciates the opportunity to provide initial comments to the FCC in this proceeding. The Texas PUC believes that it is important to highlight the current activities taking place at the state level, and to urge the FCC to consider the results of state commission initiatives when considering whether to impose mandatory minimum CARE obligations on all local and interexchange carriers.

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<sup>2</sup> See Subsection M, *Additional requirements for changes involving certain telecommunications utilities* (p. 63).

**Respectfully submitted,**

**Public Utility Commission of Texas  
1701 N. Congress Avenue  
Austin, Texas 78711-3326**

**May 27, 2004**

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**Julie Parsley  
Commissioner**

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**Paul Hudson  
Chairman**

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**Barry T. Smitherman  
Commissioner**